

on the part of the Japanese to deny the existence of such power. What they do object to is the inclusion in a formal treaty, to which they are a party, of a stipulation asserting that right, which is not embodied in any treaty America has made with European powers and which serves only to irritate the Japanese. In other words, the ratification of the advanced position Japan has taken among the nations without in any degree curtailing the power of the United States government to regulate immigration by legislation.

Great Surprise to Congress.

The President's action in submitting this treaty to-day created great surprise in Congress, the only place not taken unawares by the members of the Senate Committee on Foreign Relations, who, at a dinner recently given for them at the White House, were informed by President Taft of what the administration had in mind. These Senators consequently were in a position to realize the full importance of the formidable looking document which was laid before the Senate in executive session just at the close of the day.

It is said that at the White House dinner individual Senators expressed some views of great interest as bearing on the probable fate of the treaty when it comes before the Senate for approval. There was a disposition on the part of some to apprehend a demand on the part of China for a relaxation of the rigid exclusion laws if this concession should be made to Japan. But it was pointed out that the government would not surrender any right of control of Chinese immigration, even if a new treaty with China should be negotiated.

Another argument for the treaty was the production of figures to show that in the last year Japan has voluntarily prevented the departure of coolies, so that the immigration of that class has been practically stopped. This was cited as demonstrating that reliance might safely be placed on the Japanese sense of honor. Failure of action at the present session will not necessarily mean defeat of the treaty, for it can be kept alive indefinitely in the executive files of the Senate, to be taken up at any convenient time.

## EXPLAIN SUBWAY FIGURES

### Interborough Gives Committee Light on Its Proposition.

President Shonts of the Interborough Rapid Transit Company brought General Manager Frank H. H. and E. F. J. Gaynor, auditor of the corporation, to the subway conference yesterday to explain certain figures that the company had presented in opposing modifications of its subway proposition suggested by representatives of the city. Other representatives of the Interborough present were E. J. Berwind and Andrew Freedman, directors.

"Not a life lost; not even a person maimed," said President Shonts, jokingly, as he left the conference. "Nor a subway built," commented another member of the group. "We just talked figures," said the Interborough man as he disappeared into the elevator.

Borough President McInerney, chairman of the conference committee of the Board of Estimate, expressed the opinion that the committee was getting closer and closer to a final solution of the question, even though not a single definite point had been settled so far.

The conference will be resumed this afternoon.

## DIX TO HELP CELEBRATE

### Governor Coming for Washington Birthday Observances.

Parades, speeches, dinners, indoor athletic meets, various kinds of special church services have been arranged for to-day, so that there promises to be no end of evidence to show that New York is just as enthusiastic and patriotic in observing Washington's Birthday as in bygone days. Almost every organization of social or political prominence has planned some entertainment for its members and guests.

One of the features of the day will be the dinner of the Police Lieutenant's Association, to be held at the Waldorf-Astoria.

Governor Dix faces a large programme which has been arranged for him by his friends, and he will be kept continuously on the go to-day from the time he arrives until a late hour to-night.

At the Police Lieutenant's dinner his name appears on the guest list of the Astor, Delmonico's, the Southern Society dinner at the Astor, the Marine Infant Asylum, the Police Athletic Club and the Firemen's Club luncheon.

Some of the other entertainments arranged for to-day include the fourth annual dinner of the Sons of Liberty, to be held at the Yale Club, and the annual ball of the Lincoln Club, the regular republi-

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## SAYS HAMILTON HAS QUIT MOISANT TROUPE

### Company's Figures Show Once Daring Aviator Did Least Flying of All.

COT, IT IS SAID, \$16,302.92

### Compilation Puts His Total Time in Air Less than Two Hours, Making His Pay \$112.20 a Minute of Flying.

Charles K. Hamilton, less than a year ago considered by many the most daring aviator of the country, is no longer with the International Aviators, Incorporated, according to a telegraphic message received in this city yesterday from Alfred J. Moisant, dated at Monterey, Mexico. The telegram reads: "Hamilton to-day broke contract; left exhibition."

An interesting compilation of Mr. Hamilton's performances since the Moisant flying circus began its tour of November 23, when the show opened at Richmond, Va., and February 20. Between these times the Moisant aviators were scheduled to fly on seventy-four of the eighty-nine days.

Hamilton's figure have averaged, therefore, a daily total of 1 minute and 38 seconds, for which he has received, it is said, \$16,302.92, or \$112.20 for each minute that he has been in the air.

This payment of \$1.87 for each second of flight is said to have been velvet for the young man, as his living and travelling expenses, and the salaries and expenses of two mechanics hired to do nothing but keep Hamilton's airplane in repair, for action have been paid. It is declared, by the company which Alfred J. Moisant, brother of the late John B. Moisant, is the head.

Formerly at the top notch in reputation and performance, Hamilton's friends will find it difficult to account for the fact that among his aviators who were with the Moisant company from November 23 to December 21, his record shows that he was actually earthbound. During those thirty-eight days, or thirty of which the troupe exhibited, Hamilton was declared to have made the record of all flights made in Richmond, Chattanooga, Memphis, Tupelo, Miss., and New Orleans.

The situation as reported by the Moisant company raises the question whether, at last, Charles K. Hamilton, who has been the hero of two thrilling aeronautic accidents, has lost his nerve as a result of his fall at Sacramento in September.

His most noteworthy achievement was his record trip from Governor's Island to Philadelphia and back on July 9, when, for a \$5,000 prize, he drove a Curtiss machine. In the face of tremendous odds he struck to the enterprise after coming down in a New Jersey swamp, showing a degree of pluck that has seldom if ever been excelled in aviation history.

Goos to Law with Curtiss.

Soon thereafter he and Glenn H. Curtiss, with whom Hamilton had been associated, went to the courts to settle their difficulties. Hamilton alleged that Curtiss had failed to provide him with a good machine, and so he undertook to break the contract, which he was said to be compelled to do by Curtiss. He was said to be compelled to do by Curtiss.

The international aviators will next fly to Mexico City, which will be the first attempt to fly from an altitude of eight thousand feet, after which they will go to Vera Cruz and Havana. They will open in the Cuban capital on March 1 and remain for a ten-day tour.

From Havana the troupe will go to Matanzas, Cienfuegos, Camaguey, Cardenas and Santiago. Returning then to the United States, they will appear in Kansas City, New York and the New England States and then attack the Dominion of Canada.

GLIDER TRIALS AT COLUMBIA

University Station Plans Practical Experiments—Lectures on Aeronautics.

The Columbia University Station of the Aeronautical Reserve is planning to purchase a glider for practical experiments on the university grounds, and it is thought that this will be followed by the purchase of a monoplane, probably a Wright biplane if the funds are forthcoming. John Barry Ryan, commodore of the reserve, will have charge of the experimental work, and in addition will give regular lectures on the theoretical side of the science of aeroplaning.

On March 9 Philip W. Wilcox, who was a student at the university and who has built a monoplane, will lecture on "Engines and Propellers." This will be followed by a talk on "Wireless Adapted to Aeronautics" by Harry M. Horton, government expert in wireless, the lecture being open to the public.

The Columbia Aero Club was the first college organization of its kind ever formed, and one of its members, P. W. Wilcox, was the first college man to build and fly in an aeroplane.

BONDS FOR BROOKLYN FERRIES

Aldermen Approve of Issue Amounting to \$110,000 for Operating Expenses.

The Board of Aldermen approved of the issuance of revenue bonds yesterday to the extent of \$110,000 to pay for the operation of the ferries between Broadway, Brooklyn, and 2nd and Roosevelt streets, Manhattan, for the remainder of the year.

These ferries were abandoned by the original operating company because they did not pay expenses. The city has arranged to pay the Brooklyn and Manhattan Ferry Company \$110,000 a month to operate the lines, the receipts to be divided jointly between the company and the city.

Alderman Frelinghuysen introduced the resolution providing a penalty for wearing in public bathing caps more than an inch from the crown of the hat. A similar ordinance was proposed at the last meeting but was defeated. Alderman Dowling sent the one introduced yesterday to the floor.

Alderman Brush wanted to introduce an ordinance that tickets could be sold inside the lobby or foyer of a theatre by none other than a representative of the owner or lessee, but was told it would be unconstitutional.

TWO INDICTED FOR SMUGGLING.

The federal grand jury returned an indictment against William Rind, first officer of the steamship St. Paul, and William G. Warner, a shoemaker, in which they were charged with having smuggled into this port on December 31 a five-stone diamond ring. Rind and Warner were arraigned yesterday before Judge Holt, in the Criminal Branch of the United States Court, and after pleading not guilty, were taken back to the Tombs, where they have been confined since their arrest. The trial was set for next week.

## INDICT GEORGE B. COX

Continued from first page.

witnesses before the grand jury had been threatened, and that others who had testified had been questioned as to their statements before the inquisitors. The judge said that no one had a right to question witnesses or jurors, and that arrests would be made if any one attempted to do so.

Possible Contempt of Court.

He declared that talk about the grand jury's being illegal because it had been drawn under his personal direction instead of from the jury box, as has been customary, might be contempt of court. The Cox indictment was returned before a well filled courtroom.

The indictment against Mr. Cox quotes the testimony given by Mr. Cox before the 1906 grand jury. That jury reported that the payments to treasurers by banks of gratuities had become so customary that criminal proceedings were not advisable.

The fact that the grand jury was receiving the old issue of "gratuities" was revealed yesterday when ex-Treasurer Gibson was summoned. He refused to answer certain questions, and was compelled to do so by Judge Gorman. Ex-Treasurer French was also a witness yesterday, as was Miller Outcalt, who acted as attorney for Hynick before the Drake investigating committee.

## WELLESLEY DISSIPATION

### Girls "Hooking" Sleight Rides—One Sprains Ankle.

Wellesley, Mass., Feb. 21.—"Hooking" sleight rides is the latest novelty which Wellesley girls have taken up. The square is thronged daily by the younger students of the college, whose aim is to hop on the sleds as they speed by. This practice is frowned on by the college authorities, but until to-day it had many devotees. This afternoon one of the girls connected with a prominent family of Malone, N. Y., tried to take one of the sleighs on the fly, missed it, went tumbling head over heels, and narrowly escaped a more serious injury than a sprained ankle. Drastic measures to have this practice stopped will be taken.

## GRISCOM GETS RESPONSE

### Reported at Atlantic City That He Has Heard from Miss Arnold.

Atlantic City, Feb. 21.—It was learned here to-day from an authoritative source that George S. Griscom, Jr., has been in communication with Miss Dorothy Arnold since her disappearance, and that she has responded to his inquiries, which reached her through the personal advertisement column of a New York newspaper.

Some "blind" advertisements have been inserted in the newspapers to mislead any one following the case, but it is understood that the younger Griscom is not prepared to reveal the mystery, even to the Arnold family, until they recede from the position of accusing him, which their quoted remarks led him to believe they have taken.

From the tenor of the messages to the missing girl which have been published it seems that if Griscom knows the whereabouts of Miss Arnold he has been directed by her not to reveal his information until all difficulties which might prevent their immediate union when she returns have been dispensed.

The younger Griscom remained in his hotel to-day, but sent out numerous messages and letters and engaged in several long distance telephone conversations. In spite of the fact that no new clue had been made public for many days there was still a belief in the minds of many persons who were more than usually interested in the mystery that Dorothy Arnold will yet be found alive. These persons seem to go on the old assumption that "no news is good news."

It was on this account, it was said, that even Francis R. Arnold, certain as he declared himself to be that his daughter was dead, nevertheless was willing that District Attorney Whitman should become active in the case. Mr. Arnold has paid two visits to the District Attorney's apartments in the Hotel Inglewood in West 44th street. He asserted that he laid the whole history of the case before him.

It was learned last night that the only young woman in Washington who was known to be intimate with Miss Arnold in her college years could not enlighten the Arnold lawyer who saw her on any detail of the case.

## WANTS UP IN ANIMAL HOUSE

### Central Park Keepers Welcome Oldtime Circus Rider.

"Jim" Thompson, an old circus hand, now on the ragged edge, was a visitor at the Central Park menagerie yesterday to talk of old times and incidentally to "get the lean of a dime or so."

Some of the keepers knew Thompson when he could drive twelve span of horses, some when he was a queen's taster, and some when he was a circus clown. "But they'll never come again. When a circus man is down and out he's there or stay."

Thompson's show career began at a time when it was a common occurrence in the small Western towns for the lights to be shot out by over-jubilant cowboys. He now finds old jobs in the spring preparations of the circuses previous to going on the road.

After being thoroughly warmed up in one of the animal houses the unusual visitor left, saying he was on his way to Bridgeport, Conn., where one of the big circuses has its winter quarters.

## GREAT HARSHIP, MAYOR SAYS

### Wants Park Road to Discharge Fewer Men During the Winter.

There was a mild rebuke in the following letter sent to Park Commissioner Siover by Mayor Gaynor yesterday, as earlier in the season the Mayor had expressed his idea that something ought to be done to prevent the discharge of laborers in the winter months.

"I am receiving many letters from employees of the Park Department who are discharged during the winter. I wish you would bring the matter up at the next meeting of the board and have it thoroughly considered. The list of employees should be made up so that the city could take care of them the year round, if possible. So many days of men during the winter is a great hardship, and ought to be reduced to a minimum. If they could get work elsewhere it would be all right, but they cannot do so. I hope you will take the matter up on this subject after it has been carefully considered."

## A WRIGHT CHALLENGE ABROAD.

Berlin, Feb. 21.—The German holders of the Wright Brothers' aeroplane patents have invited competitive exhibitions with the Wrights of the American machines in stormy weather. They announce that they will forfeit \$250 to any aeronaut who in an aeroplane of different make will fly twice around the Johannisthal field in a wind of more than thirty miles an hour. The performance is not to be attempted until a Wright fly. The challenge will hold good from March 5 to March 15.

## SUFFRAGISTS' FIRST GUN

### Equal Franchise Society Gives Reception at Capital.

### ANTIS IN FORCE AT ALBANY

Both Sides To Be Heard by Legislature To-day—City Labelled with "Votes for Women."

Albany, Feb. 21.—The Equal Franchise Society to-night fired the first heavy gun in the campaign to give women the right to vote, with a reception at the Ten Eyck Hotel, which was attended by many legislators and their wives, suffragists, antis, the curious who only "wanted to see what it was like" and scores really interested in and opposed to the movement.

Receiving with Mrs. Harriet Stanton Blatch and Mrs. James Laidlaw were many suffragists from all over the state, some belonging to the Equal Franchise Society and others to the Woman's Political Union. During the evening Miss Pola La Follette, daughter of the Wisconsin Senator, gave a reading of "How the Vote Was Won," and Mrs. Marjorie Benton Cooke gave two suffrage monologues.

Those opposed to the suffrage bills may not do care to make any preparatory movements, and will centre their powers on the hearing to-morrow afternoon. There Mrs. Arthur M. Dodge, president of the New York State Association Opposed to Woman Suffrage, will have charge of affairs, and will introduce each speaker. Among those to address the legislators for this side will be Mrs. John Martin, of Staten Island; Miss Margaret Doane Gardner, of Albany; Miss Margaret C. Cummings, principal of the Reception Centre under the Board of Education of New York, and Miss Alice Hill Chittenden, of Brooklyn.

The speakers for the suffrage party will be introduced by Miss Harriet May Mills, president of the State Woman Suffrage Association. They will include Mrs. Minnie Reynolds, Mrs. Simkovich, Dr. Anna Howard Shaw, Mrs. W. P. Pondell, Miss Lenora O'Reilly, Mrs. Eastman and Mrs. Harriet Stanton Blatch. Miss Chittenden will sum up for the antis and the Rev. Dr. Shaw for the suffragists.

About 11 o'clock to-morrow morning there will be an open air demonstration by the suffragists at the corner of State and Pearl streets, at which Mrs. Brannan, Mrs. Blatch, Mrs. Rogers, Mrs. Hill and Miss O'Reilly will talk.

Another woman suffrage measure in the form of a concurrent resolution was introduced to-day by Assemblyman Spielberg, providing that every person twenty-one years old, who has been a citizen for ninety days, may vote, except that a citizen by marriage only shall have been a citizen of the United States for five years before having the right to the ballot.

Albany an vicinity fairly bristle with "Votes for Women" signs. The most extensive advertising plan ever brought out in this section has been put in operation, and signs have been erected on all the roads in this vicinity from Hudson, twenty-seven miles south, to Schenectady, seventeen miles north, Watford and Troy on the north and several miles east, by the thousands, women bound on making "suffrage week" a success.

A monster electric sign in State street which had to the Capitol was illuminated for the first time last night, and the wording on it will be changed each evening. Cartoons and advertising cards bearing on the subject are to be seen in all the street cars, and half-page announcements for the "cause" will be run in all the papers for the rest of the week.

## VERDICT FOR PAYMASTER

### Jury Finds Controller Removed Garvey for Political Reasons.

Peter J. Garvey won in the Supreme Court yesterday in the action brought by him to compel Controller Prendergast to reinstate him as deputy city paymaster. Garvey said he was removed from the job for political reasons. The jury brought in an affirmative answer to the question that they were asked to decide as to whether Garvey was removed for his political affiliations or opinions. The plaintiff is a Tammany politician. His lawyer argued that the action of the Controller was in violation of the Civil Service law. Garvey was one of eight deputy paymasters removed by Controller Prendergast, and his case was a test of the right of the Controller to remove them for political reasons. If the verdict of the jury is upheld it is expected that the other men will be similarly affected.

The next step that will be taken to bring about Garvey's reinstatement will be an application to a justice of the Special Term of the Supreme Court to confirm the finding of the jury. In case the verdict is confirmed an order will be issued directing Controller Prendergast to reinstate Garvey in his old job.

Garvey was removed in March, 1910, and has a claim for a year's salary, amounting to \$2,800, which he will also try to recover.

## STOKES SEEKS FINAL DECREE

### Applies to Supreme Court, Brooklyn, for Annulment of Marriage.

Justice Kelly, of the Supreme Court, Brooklyn, has before him the application for the final decree in the action brought by Colonel William A. Stokes, former commander of the 23d Regiment, for an annulment of his marriage to Elizabeth W. Hitchens Stokes. On the first trial Mrs. Stokes won, but the Court of Appeals reversed the decision. On a retrial before Justice Crane, of the Supreme Court, Brooklyn, Colonel Stokes got a judgment in this case. His decision is based on the application for the final decree.

Colonel Stokes alleged that when he married Mrs. Hitchens her first husband was alive, and that she knew it, or else remained in ignorance of the fact through a desire to ascertain it. This allegation was upheld by Justice Crane.

## DANCE LICENSE SUIT FAILS

### Federal Court Won't Interfere in City's Enforcement of Law.

The suit of Adolph Susskind, proprietor of Terrace Garden, brought in the United States Court to restrain Mayor Gaynor and other city officials from enforcing the law concerning licenses for public dance halls, was dismissed yesterday by Judge Noyes, who sustained the demurrer interposed by the Corporation Counsel.

The contention of Mr. Susskind was that the act conflicted with the thirteenth Amendment of the Constitution in that it discriminated against him. The act prohibits that dancing shall not be permitted in any place in New York City except in 200 hotels, except in a hotel having as many as fifty bedrooms, unless such place have a dancing license.

## MEXICO'S THANKS TO SPAIN.

Madrid, Feb. 21.—King Alfonso received to-day F. Gamba, special Mexican ambassador, who called to thank his majesty for having sent a representative to the Mexican centenary celebration. Cordial greetings were exchanged. Señor Gamba is Minister to Belgium.

## SEVENTY INSURGENTS KILLED.

Mexico City, Feb. 21.—A regiment of federal cavalry defeated a body of insurgents last Sunday, according to advices from Torreon, unbalancing them near Pecos, Durango, and inflicting losses said to number more than seventy dead. The rebels were caught between a federal cross fire. Those who were able to escape threw away their arms and fled in confusion.

## MOVEMENT ON ENSENADA

### General Leyva Dispatches a Part of His Force Southward.

### DISSENSIONS OF REBELS

Soldiers Suffer from Cold—Comment on Limantour's Statement by Madero's Spokesman.

Mexicali, Feb. 21.—The movement of the Mexican rebels on Ensenada began to-day with the dispatch of an advance guard with orders to take and hold Peaches Pass, through the Cocopah Mountains, twelve miles southwest of Mexicali.

The main body of the insurgents will remain here several days, as General Leyva is determined to await the attack of the federalists reported coming from the east.

When it was reported here that F. I. Madero was headed this way, General Leyva said: "I should be glad to see Madero, but he is not my boss." It is said that if Madero came to Lower California to establish a provisional government, he would meet opposition from both Leyva and Berthold.

El Paso, Feb. 21.—Mexican soldiers, both rebels and federalists, are suffering to-day following the fall of snow and sleet throughout this section yesterday and last night.

General Navarro's army has little food and supplies at Guadalupe, east of here, and the Mexican soldiers, with only sandals on their feet and accustomed to the warm climate of Southern Mexico, are suffering keenly. The insurgents south of here are harder hit are short of provisions.

Dr. C. F. Z. Caracetti, reputed spokesman of Francisco I. Madero, after reading the statement made in Paris yesterday by the Mexican Secretary of Finance, José Limantour, said to-day:

"No idle promises will affect the action of the insurgents, and arms will not be laid down until a treaty of peace is signed, and the Diaz government, as it is present, exists, is a thing of the past. President Madero is a candidate for the presidency only on the assumption that it is the will of the people, and he will be elected through the medium of free ballot, free from fraud and duress. He is not personally ambitious, and is the representative of an ideal, rather than of a party seeking power."

Washington, Feb. 21.—President Diaz of Mexico to-day expressed the gratitude of that republic to the United States for the "human and very opportune" service offered the soldiers of Diaz who, wounded and suffering from hunger, entered the lines of the United States troops at Calixco.

As no funds were available for food and medical supplies, Major General Leonard Wood referred the matter to the Red Cross. The society immediately telegraphed \$1,000 to General Diaz to be used in aiding Mexicans, and army medical officers were ordered to tender their services.

In his message President Diaz says that the \$1,000 will be refunded.

## REBELS SHOOT UP TOWN

### Kill Algodones's Police Chief and Take Custom House.

Andrade, Cal., Feb. 21.—Twenty-six insurgents from Mexicali shot up Algodones, a small town in Mexico, opposite this place, to-night. The chief of police was killed, and a Mexican custom officer seriously wounded. The shooting caused a panic among the inhabitants.

The rebels who are said to be under the command of Captain William Stanley, captured a train on the Inter-California Railroad at Packard and came to Algodones. They began shooting as soon as they dropped from the train. Chief of Police Garzo fell at the first volley.

The rebels then stormed the custom house, where Inspector Belendez was in charge. Several bullets pierced his body, but it is not known whether his wounds are fatal. The capture of the custom house, the killing of Garzo and the flight of the entire police force did not result in a cessation of firing. The excited rebels kept volleying through the town. The people of Algodones hastened for protection to American rail. The insurgents tore down all the telegraph lines westward, cutting off communication between Algodones and other stations on the Inter-California Railway.

The rebels ceased firing and left town later. Andrade is in charge of a detachment of the 1st United States Cavalry.

## ARRESTED ON FIRE ESCAPE

### Janitors, After Gun Play, Charge Prisoner with Larceny.

A battle on the fire escape of the apartment house at No. 604 West 140th street between the janitor of the building and his assistant and a supposed sneak thief brought all those living in nearby houses to the windows yesterday afternoon. The janitorial forces won, and took their prisoner to the West 135th street police station, where he was locked up on a charge of larceny. He said he was Joseph Stephens, of No. 253 West 135th street.

A woman tenant at No. 603 West 139th street, who happened to look out of one of her rear windows, saw the man climbing the fire escape of the house opposite. She telephoned to the girl in charge of the switchboard, who in turn called the janitor, John Lozart. He took a revolver, and with his assistant, George W. Kelly, ran to the roof. As Lozart peered over the edge he saw his man coming out of a window, and fired several shots at him to attract his attention. He then warned him not to move.

The man obeyed the order, and Kelly went down and seized him. In the mean time patrolmen had arrived from the police station. When the prisoner was searched a sock, a pair of pearl earrings, a watch ring, a stickpin, a gold and silver watch and a penknife were found on his person.

Miss Gueringer and Miss Whittaker, school teachers, who occupy apartments opening on to the fire escape where Stephens was captured, visited the station house later, and, according to the police, identified part of the property.

## BEER BEFORE THE WAR

### of Independence

Over a century and a quarter before General George Washington, the Father of his Country, took command of the Armies of the Revolution, Father Knickerbocker, through his Dutch settlers, built breweries and brewed beer in what was then known as New Nether